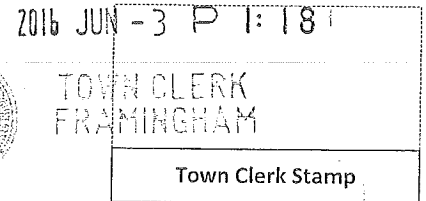


**Framingham Planning Board**

Memorial Building • Room 205 • 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 • [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



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**Planning Board Members:**

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**Planning Board Staff:**

Amanda L. Loomis, AICP, Planning Board Administrator

**TOWN OF FRAMINGHAM - PLANNING BOARD**

**Notice of Decision**

**Regarding the Applications of VTT Frederick Street, LLC  
for the Properties located at  
29-31 Frederick Street, Framingham, MA**

On April 8, 2016, the VTT Frederick Street, LLC, filed with the Planning Board, and on April 8, 2016, the Planning Board filed with the Town Clerk, for minor site plan review and a public way access permit, to construct a new 3-story, 9-unit multi-family residential building with associated site improvements and off-street parking. The property is located at 29-31 Frederick Street, zoned as Central Business (CB), and the Framingham Assessor's Parcel ID is 128-96-1861-000.

After the notice of the public hearing was published in "The MetroWest Daily News" on April 27, 2016 and May 4, 2016 and mailed to parties of interest pursuant to the Framingham Zoning By-Law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on May 12, 2016 at 6:30 pm in the Ablondi Room, Memorial Building, Framingham. Continued public hearings were held on May 23, 2016 and June 2, 2016.

On June 2, 2016 the Planning Board **APPROVED** the applications minor site plan review and a public way access permit for the properties located at 29-31 Frederick Street and a **DECISION** was filed in the office of the Town Clerk on June 3, 2016.

*Christine Long, Chair*  
**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

**Framingham Planning Board**

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2016 JUN -3 P 1:18

TOWN CLERK  
FRAMINGHAM  
Town Clerk Stamp

**Planning Board Members:**

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**Planning Board Staff:**

Amanda L. Loomis, AICP, Planning Board Administrator

**TOWN OF FRAMINGHAM - PLANNING BOARD**

**Notice of Decision**

**Regarding the Applications of VTT Frederick Street, LLC  
for the Properties located at  
29-31 Frederick Street, Framingham, MA**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications of VTT Frederick Street, LLC for minor site plan review and a public way access permit, to construct a new 3-story, 9-unit multi-family residential building with associated site improvements and off-street parking. The property is located at 29-31 Frederick Street. The opening public hearing was held on May 12, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on April 27, 2016 and May 4, 2016. Continued public hearings were held on May 23, 2016 and June 2, 2016. The Planning Board APPROVED said application on June 2, 2016 and the decision was filed in the Office of the Town Clerk on June 3, 2016. For additional information please see the Planning Board's webpage at [www.framinghamma.gov](http://www.framinghamma.gov).

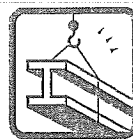
*Christine Long, Chair*

**FRAMINGHAM PLANNING BOARD**

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## Framingham Planning Board

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### Planning Board Members:

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

## DECISION OF THE FRAMINGHAM PLANNING BOARD FOR THE PROPERTY LOCATED AT 29-31 FREDERICK STREET

DECISION DATED JUNE 2, 2016

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW

TOWN CLERK  
FRAMINGHAM

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### General Property Information

Project Number: PB-008-16  
Property Address: 29-31 Frederick Street  
Assessor's Information: 128-96-1861-000  
Zoning District: Central Business (CB) District

### Application Information

Application(s): Minor Site Plan Review and Public Way Access Permit  
Sections of the Framingham Zoning By-Law under review: Minor Site Plan Review, Section VI.F.2.c  
Sections of the Framingham General By-Laws under review: Public Way Access Permit, Article VI., Section 8  
Date application(s) were filed with the Planning Board: April 8, 2016  
Date application(s) were filed with the Town Clerk: April 8, 2016

### General Project Contact Information

Applicant Name: VTT Frederick Street, LLC  
Applicant Address: 100 Concord Street, Framingham, MA  
Landowner Name: VTT Frederick Street, LLC  
Landowner Address: 100 Concord Street, Framingham, MA  
Project Contact Name: Attorney Paul V. Galvani, Galvani Law Offices, P.C.  
Engineer Name: Brian Nelson  
Engineer Company: MetroWest Engineering, Inc., 75 Franklin Street, Framingham, MA

### Legal Ad & Public Hearing Information

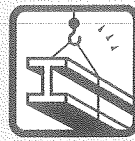
MetroWest Daily News run dates of the Legal Ad: (14 days prior) April 27, 2016 and (7 days prior) May 4, 2016  
Date of abutter/7 Abutting municipality/parties of interest mailing: April 25, 2016  
Date of opening public hearing: May 12, 2016  
Date(s) of continued public hearings: May 23, 2016 and June 2, 2016  
Applicant's Representatives in attendance at the Public Hearing(s): Attorney Paul Galvani, Galvani Law Offices, Brian Nelson, MetroWest Engineering, and Vaio Theodorakis, VTT Frederick Street, LLC  
Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz, Clerk, Thomas Mahoney (absent on June 2, 2016), and Stephanie Mercandetti

### Planning Board Approval Information

Date of Plan Approved by the Planning Board: March 15, 2016, revised through May 19, 2016

## **Framingham Planning Board**

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### **Planning Board Members:**

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

## **DECISION OF THE FRAMINGHAM PLANNING BOARD FOR THE PROPERTY LOCATED AT 29-31 FREDERICK STREET**

**DECISION DATED JUNE 2, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW

### **General Property Information**

Project Number: PB-008-16  
Property Address: 29-31 Frederick Street  
Assessor's Information: 128-96-1861-000  
Zoning District: Central Business (CB) District

### **Application Information**

Application(s): Minor Site Plan Review and Public Way Access Permit  
Sections of the Framingham Zoning By-Law under review: Minor Site Plan Review, Section VI.F.2.c  
Sections of the Framingham General By-Laws under review: Public Way Access Permit, Article VI., Section 8  
Date application(s) were filed with the Planning Board: April 8, 2016  
Date application(s) were filed with the Town Clerk: April 8, 2016

### **General Project Contact Information**

Applicant Name: VTT Frederick Street, LLC  
Applicant Address: 100 Concord Street, Framingham, MA  
Landowner Name: VTT Frederick Street, LLC  
Landowner Address: 100 Concord Street, Framingham, MA  
Project Contact Name: Attorney Paul V. Galvani, Galvani Law Offices, P.C.  
Engineer Name: Brian Nelson  
Engineer Company: MetroWest Engineering, Inc., 75 Franklin Street, Framingham, MA

### **Legal Ad & Public Hearing Information**

MetroWest Daily News run dates of the Legal Ad: (14 days prior) April 27, 2016 and (7 days prior) May 4, 2016  
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Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz, Clerk, Thomas Mahoney (absent on June 2, 2016), and Stephanie Mercandetti

### **Planning Board Approval Information**

Date of Plan Approved by the Planning Board: March 15, 2016, revised through May 19, 2016

## **PROJECT DESCRIPTION**

The Project at 29-31 Fredrick Street proposes to raze the existing 3-story, 3-unit multi-family dwelling and to construct a new 3 story, 9-unit multi-family residential building with associated site improvements and off-street parking. The Project is located within the Central Business (CB) District. The new building will introduce a total of 9-units that are 2-bedrooms, whereas the existing building that will be razed contains 3-units that are 3-bedrooms. The new building at 29-31 Frederick Street will be similar to the four new multi-family residential buildings located at 35, 39, 43, and 47 Frederick Street that are also owned by the Applicant.

## **HEARING**

The Framingham Planning Board held a total of three public hearings during the review of the Project located at 29-31 Frederick Street. Framingham Planning Board Members present during the public hearings held for the Project were Christine Long, Chair, Lewis Colten, Vice-chair, Victor Ortiz, Clerk, Thomas Mahoney, and Stephanie Mercandetti. During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Paul Galvani, Galvani and Associates, Brian Nelson, MetroWest Engineering, and Vaios Theodorakis, VTT Frederick Street, LLC

### **Summary of Meeting Minutes**

Attorney Galvani provided a brief overview of the project. Zoning Board of Appeals granted a variance to convert the existing building to a 9 unit apartment building prior to the rezoning of the Central Business (CB) District. Mr. Nelson provided a brief overview of the proposed site plan, drainage work, and architectural renderings.

The Planning Board discussed their comments and/or concerns, which included:

- Clarification regarding the parking lot as presented in the application package. The Applicant presented the existing parking conditions relative to the Arcade Building, specifically stating that the Arcade has a total of 280 parking spaces, of which roughly 200 are vacant during the evening and night hours.
- A discussion regarding the existing fence that separates 29/31 Frederick Street from the Arcade parking lot. The Applicant stated that the fence has been removed to create connectivity between the Arcade parking lot and the buildings on Frederick Street.
- A request for a status update on the landscaping at the abutting properties owned by the Applicant at 35, 34, 43, and 47 Frederick Street (previously permitted by the Planning Board).
- A request for clarification relative to the entrances of the building and the rear parking spaces.
- Questions as to whether there would be a rear access for those who park in the Arcade parking lot.

During the course of the public hearing process, the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-Law, Framingham General By-Laws, information submitted by the Applicant, comments from Town boards and officials, and members of the public. Findings from the application and public hearing process resulted in the development of the conditions contained within this Decision.

## **FINDINGS**

Having reviewed the application filed by the Applicant, all plans and reports filed by the Applicant and its representatives, having considered the correspondence from Conservation Commission, Department of Public Works, Framingham Fire Department, Department of Inspectional Services (Building & Wire), Framingham Police Department and Department of Community & Economic Development within the Town of Framingham that have reviewed the Project, having considered testimony from members of the public, and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-Law, including the requirements of Sections VI.F.2.c. of the Framingham Zoning By-Law and a Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws. Specifically, the Planning Board makes the following findings:

### **Minor Site Plan Review, Section VI.F.2.c of the Framingham Zoning By-Law**

#### **Section VI.F.6.a. Retain Community Character**

The site at 29-31 Frederick Street contains an existing 3-story, 3-unit residential building that will be razed and replaced with a new 3-story, 9-unit multi-family residential dwelling. The Applicant received approvals for the multi-family use from the Zoning Board of Appeals on April 1, 2015, and requested an extension of time to October 14, 2016. The Applicant also owns the recently renovated properties at 35, 39, 43, and 47 Frederick Street, which were permitted on March 1, 2012 by the Planning Board.

The property at 29-31 Frederick Street is one of five buildings owned by the Applicant on Frederick Street, and the last to be razed and reconstructed. During the March 1, 2012 permitting of the properties at 35, 39, 43, and 47 Frederick Street, 29-31 Frederick Street was proposed to be razed and used for the expansion of the access driveway to a larger project involving the Arcade Building. The Applicant has since redesigned the use of 29-31 Frederick Street and proposes to construct a 3-story, 9-unit residential building with each of the units being 2-bedroom. The new residential building will provide for reinvestment into the newly rezoned CB Zoning District, which was rezoned during the 2015 Fall Special Town Meeting.

To ensure that the site is maintained and consistent with the Central Business Design Standards, the Applicant shall construct to the side and/or rear of the property a trash bin enclosure. All trash and recycling bins shall be located within the trash enclosures until trash and recycling pick-up day. Such trash enclosure shall be landscaped and maintained in perpetuity and shall have a latch/locking mechanism to ensure that all trash is secured and that the door remains closed.

The site currently does not contain any historic features and contains limited landscaping. Consequently, , the Applicant proposes to invest both time and money to provide a new residential building that will better fit the Central Business Design Standards including considerable landscape improvements rather than investing substantial resources into an existing building that has long since outlived its useful life

#### **Section VI.F.6.b. Traffic, Parking, and Public Access**

The Applicant has filed for Minor Site Plan Review under Section VI.F.2.c of the Framingham Zoning By-Law for projects within the CB Zoning District. Minor Site Plan Review does not require projects that meet the requirements for minor site plan review within the CB Zoning District to submit Traffic Impact Reports.

The Applicant proposes to construct two temporary drop-off/pick-up off-street parking spaces. There shall be twelve long term, off-parking spaces designated for the residents of 29-31 Frederick Street within the parking

lot of the Arcade Building, which is also owned by the Applicant. The parking associated with the 29-31 Frederick Street building will be secured by a Grant of Easement.

The frontage of 29-31 Frederick Street has a sidewalk, and areas of the sidewalk that are damaged, impassable, and/or in need of repair shall be reconstructed as part of the Project by the Applicant. The Applicant will construct walkways to connect the residential structure with the parking located on an abutting property, which shall be designed to ADA standards for accessibility.

To promote alternative modes of transportation the Applicant has provided bicycle parking for the residents of 29-31 Frederick Street in the rear of the building.

#### Section VI.F.6.c. Environmental Impact

The Applicant has filed for Minor Site Plan Review under Section VI.F.2.c for projects within the CB Zoning District. Minor Site Plan Review does not require projects that meet the requirements for minor site plan review within the CB Zoning District to submit Environmental Impact Report, a Stormwater Report, and/or a Stormwater Management System Maintenance Report.

A Hydrologic Analysis: Proposed Site Redevelopment Report was provided by the Applicant. The site has been designed to include Best Management Practices (BMPs) and low impact development features.

The site has been designed to maintain open space on-site, which results in 47.7% of the lot being open space, compared to the 20% minimum permitted in the CB Zoning District. Further the site will have a lot coverage of 35.6%, which is below the 60% lot coverage maximum that is permitted in the CB Zoning District.

The site does not contain any wetlands, vernal pools, or related natural features. Nor does the site create any significant emission of noise, dust, fumes, noxious gases, radiation, water pollutants, and/or any other similar significant adverse environmental impacts.

#### Section VI.F.6.d. Health

The Project does not pose adverse impacts on air-quality, noise, glare, or odors. The site does not create a hazard to abutters, vehicles, or pedestrians. There shall be no handling or disposal of hazardous materials on the site. The site does provide landscaped areas, open space, and lawn areas for the residents.

#### Section VI.F.6.e. Public Services and Utilities

The site is serviced by public water and sewer. The residential units will contain high quality appliances and finishes and individually controlled air conditioning and heating systems. The new building has been designed to meet the State Building Code for energy efficiency. New energy efficient compressors used in these applications are generally quiet and will not disturb the residents of the building and/or abutting properties. The compressors shall be screened by landscaping.

#### Section VI.F.6.f. Land Use Planning

The land use is consistent with the Framingham Zoning By-Law, Town's Master Land Use Plan, and the Towns CB Zoning District, Transit Oriented Development (TOD) initiative. The new residential units will be marketed to singles and couples who will utilize the MBTA's commuter rail service. The Applicant who is also the owner of the abutting properties at 35, 39, 43, and 47 Frederick Street has had success with marketing and leasing the 4-multi-family residential buildings on Frederick Street to a similar demographic. There has been an increased demand for 2-bedroom apartments within urban environment, which is expected to continue to grow.

Given that this is the fifth residential unit of the Frederick Street project it is expected that the Applicant will complete the landscaping for the abutting properties owned by the Applicant at 35, 39, 43, and 47 Frederick Street.

**Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws**

The Applicant proposes to construct two parking spaces within the front setback of 29-31 Frederick Street. The two parking spaces will be for temporary parking, use by the residents of 29-31 Frederick Street for the purposes of drop-off and pick-up. The 2-parking spaces have been designed at 10'x18' each. Residential front yard off-street parking is limited under Section IV.B.3.c of the Framingham Zoning By-Law. Such off-street parking, unless abutting an alley and/or access drive shall not be permitted, except for a single access drive, constructed at 18' in width. Therefore, the proposed temporary parking spaces shall be constructed at a width not to exceed 9', which shall allow for compliance with the 18' width requirement as outlined in Section IV.B.3.c. of the Framingham Zoning By-Law. Further, the CB Zoning District has its own off-street parking regulations, under Section II.I.4 of the Framingham Zoning By-Law. The Applicant is compliant with the requirements of Section I.II of the Framingham Zoning By-Law. By the Applicant permitting the off-street parking to be relocated to the Arcade Building by easement, there will be an increased amount of open space and landscaped area on the 29-31 Frederick Street property. The two curb cuts shall be constructed to Town standards and any work within the public right-of-way shall require a police detail to ensure the safety of the workers and community. Due to the temporary use of the 2-parking spaces a majority of the traffic shall be controlled through the use of the existing curb cut/access driveway to the Arcade Building parking lot.

**CONDITIONS OF APPROVAL**

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Town's By-Laws, relevant to this review. Accordingly, the Planning Board votes are pursuant to relevant provisions of the Town's By-Laws that include Minor Site Plan Review (Section VI.F.2.c) pursuant to the Framingham Zoning By-Laws and Public Way Access Permit (Article VI, Section 8) pursuant to the Framingham General By-Laws to approve the project as modified during the public hearing process. Said approval from the Planning Board is subject to the following conditions:

**General Provisions**

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given not less than a 48-hour written notice. If activity on the Property ceases for longer than 30 days, not less than a 48-hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any building permit, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Town Departments, in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions



of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.

6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs, and/or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations, and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with MGL, Chapter 40A, Section 17. The Applicant shall submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for Minor Site Plan Review and Public Way Access Permit shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. The failure to comply with the Framingham Zoning By-Laws, Framingham General By-Laws and/or the terms of this Decision may result in revocation of the permit for Minor Site Plan Review and Public Way Access Permit issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the Framingham Zoning By-law, Framingham General By-Law, the Planning Board Rules & Regulations, and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the Framingham Zoning By-Law, Framingham General By-Laws, and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.
11. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

### Infrastructure/Site Design/Landscaping

12. Prior to the issuance of a use and occupancy permit, the Applicant shall either substantially complete the landscaping improvements shown on the approved landscaping plan or post a performance guarantee in accordance with this decision. All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy and neat appearance. The Applicant shall follow regularly scheduled routine maintenance. The Applicant shall submit a landscape maintenance plan to the Planning Board Administrator for approval and implementation upon approval.
13. The Applicant will provide regular maintenance of all facilities. The Applicant shall maintain all on-site drainage in working condition at its own expense, which shall include inspecting the catch basins twice annually (spring and fall) and cleaning, if necessary, to remove sediment.
14. The Applicant shall construct all improvements in compliance with all applicable state and federal regulations with respect to the design of any architectural access features required under the Americans with Disabilities Act (ADA) and with 521 CMR Architectural Access Board Rules and Regulations.

### Site Construction

15. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways, caused by the site construction.
16. Outside construction hours are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.
17. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.

### Environment

18. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
19. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
20. The Applicant shall check all stormwater features prior to and at the end of each construction day. A multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
21. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
22. The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from getting onto the public way.
23. Snow storage shall be on-site in the snow storage areas designated on the Final Approved Site Plans. Snow storage shall not obstruct sight lines to preserve public safety and Applicant must remove

excess snow from the site as may be necessary within forty-eight hours after the snow fall ends, in order to preserve public safety.

**Framingham Department Review**

24. The Applicant shall comply with all directives requested in the correspondence from the Department of Public Works dated April 27, 2016.
25. The Applicant shall comply with all directives requested in the correspondence from the Department of Building & Wire dated April 14, 2016.

**Special Provisions/Periodic Conformance Reporting and Review**

26. The Applicant shall provide the following performance guarantees for the Project.
  - a. Prior to the issuance of any final use and occupancy permit, the Applicant shall post a performance guarantee satisfactory to the Planning Board for all improvements including landscaping, which are incomplete or not constructed, in an amount not to exceed the cost of such improvements.
  - b. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be reviewed by the Planning Board Administrator, for certification that the landscaping has been planted substantially in accordance with the approved Landscape Plan, at which time a Landscape Maintenance Bond shall be required.
  - c. The Applicant shall provide to the Town of Framingham a Landscape Maintenance Bond in the sum of 20 percent of the total landscape cost to replace any trees which are improperly pruned or dead trees, shrubs or lawn areas, as shown on the approved Landscape Plan, which shall be posted for a period of two years commencing with the completion of the landscaping and certification of the Landscape Plan, as required above.
27. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Works, Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham DPW. The plan shall include but not be limited to site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off from the Planning Board to allow time for DPW review and approval of submitted information. The Applicant shall also submit to the Planning Board a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.
28. The Applicant agrees to maintain any plantings or physical landscape features located within the driveway sight lines should be maintained at a height of two feet or less above the adjacent roadway grade.
29. The Applicant shall reconstruct the sidewalk along Frederick Street that runs along the property frontage as part of the project. Furthermore, the Applicant shall install ADA compliant warning panels

at each side of the property at the intersection of the sidewalk with the Arcade Building access driveway.

30. Bicycle racks and sidewalk amenities shall be installed to not limit movements for all users throughout the site.
31. The Applicant shall install bicycle parking spaces within the site, which are not located in areas that create a hazardous condition for vehicles, pedestrians, and bicyclist.
32. The Applicant shall construct a dumpster enclosure for the trash and recycling cans to be located within when not being put out for trash pickup. The Applicant shall ensure that the enclosure is not located within pedestrian ways and/or within the frontage of the property. The dumpster enclosure shall be constructed with a door and a lock and shall remain closed and locked except when trash deposit, removal and pickup operations are being conducted.
33. The Applicant shall provide the Planning Board with a photometric plan prior to the issuance of any Building Permit.

### **VOTES**

The Planning Board voted four in favor, zero opposed, and zero in abstention to the granting approval for a minor site plan review pursuant to Section VI.F.2.c of the Framingham Zoning By-Law for the construction of a 3-story, 9-unit residential building with landscaping and associated site improvements within the Central Business (CB) Zoning District, for the properties located at 29-31 Frederick Street, zoned Central Business (CB) Zoning District.

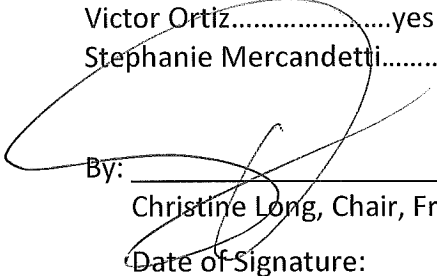
#### **Minor Site Plan Review, Section VI.F.2.c of the Framingham Zoning By-Law**

Christine Long.....yes  
Lewis Colten.....yes  
Victor Ortiz.....yes  
Stephanie Mercandetti.....yes

The Planning Board voted four in favor, zero opposed, and zero in abstention to the granting approval for a Public Way Access Permit pursuant to Article VI., Section 8 of the Framingham General By-Laws for the construction of two curb cuts for the purposes of 2-temporary use off-street parking spaces for the properties located at 29-31 Frederick Street, zoned Central Business (CB) Zoning District.

#### **Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws**

Christine Long.....yes  
Lewis Colten.....yes  
Victor Ortiz.....yes  
Stephanie Mercandetti.....yes

By:   
Christine Long, Chair, Framingham Planning Board  
Date of Signature:

## EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. These plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form A – Application Cover Letter, 29-31 Frederick Street, stamped with the Town Clerk on April 8, 2016, Project Number: PB-008-16
2. Form E – Site Plan Review Application, 29-31 Frederick Street, stamped with the Town Clerk on April 8, 2016, Project Number: PB-008-16
3. Form F – Public Way Access Permit, 29-31 Frederick Street, stamped with the Town Clerk on April 8, 2016, Project Number: PB-008-16
4. Project Summary for Proposed New Apartment Building, 29-31 Frederick Street, Framingham, MA, 01702, prepared for VTT Frederick Street, LLC, prepared by Attorney Paul Galvani, dated March 30, 2016
5. Hydrologic Analysis: Proposed Site Redevelopment, prepared for VTT Frederick Street, LLC, prepared by Attorney Paul Galvani, dated March 2016
6. Site Plans for 31 Frederick Street, prepared for prepared for VTT Frederick Street, LLC, prepared by Attorney Paul Galvani, dated March 15, 2016, revised May 19, 2016
7. Letter of response from MetroWest Engineering, Inc. RE: Proposed Site Plans for Residential Redevelopment, 29-31 Frederick Street, Framingham, MA, dated May 20, 2016
8. Proposed Landscape and Lighting Plan, 31 Frederick Street, prepared for VTT Frederick Street, LLC, prepared by Attorney Paul Galvani, dated March 15, 2016
9. Architectural renderings, Multi-Family Bldg CTM – Elevations, builder: VTT Management Inc., prepared by Westchester Modular Homes Inc, dated October 2, 2015

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Public Way Access Permit Checklist, for the Project at 29-31 Frederick Street, dated April 8, 2016, stamped with the Town Clerk on April 8, 2016
2. Special Permit and Site Plan Review Checklist for Application Submittal, for the Project at 29-31 Frederick Street, dated April 8, 2016, stamped with the Town Clerk on April 8, 2016
3. Framingham Police Department, correspondence received via ACCELA on April 11, 2016
4. Department of Community & Economic Development, correspondence received on May 15, 2016
5. Department of Inspectional Services (Building & Wire), correspondence received via ACCELA on April 14, 2016
6. Letter from the Department of Public Works, RE: Proposed Residential Redevelopment – 29-31 Frederick Street, Framingham, dated April 27, 2016
7. Letter from the Conservation Commission, Subject: 29 and 31 Frederick Street – Conservation Review, dated May 12, 2016
8. Fire Department, correspondence received via ACCELA on April 26, 2016

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9. Letter from the Department of Public Works, RE: Proposed Residential Redevelopment – 29-31 Frederick Street, Framingham, dated June 2, 2016